

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANNIE M. SCALES,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendants.

Case No. 2:15-cv-00355-MMD-PAL

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE PEGGIE A. LEEN

Before the Court is the Report of Findings and Recommendation of United States Magistrate Judge Peggie A. Leen (dkt. no. 4) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (dkt. no. 1). Plaintiff had until May 17, 2015, to object to the R&R. No objection has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
4 view that district courts are not required to review "any issue that is not the subject of an
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Leen's R&R. The Magistrate Judge
11 recommended denying the application to proceed *in forma pauperis* and dismissing the
12 action without prejudice to the Plaintiff's ability to commence a new action in which she
13 either pays the appropriate filing fee in full or submits a completed application to proceed
14 *in forma pauperis*. Upon reviewing the R&R and records in this case, this Court finds
15 good cause to adopt the Magistrate Judge's R&R in full.

16 It is therefore ordered, adjudged and decreed that the Report of Findings and
17 Recommendation of Magistrate Judge Peggie A. Leen (dkt. no. 4) is accepted and
18 adopted in its entirety.

19 It is ordered that Plaintiff's Application to Proceed In Forma Pauperis (dkt. no. 3)
20 is denied.

21 It is further ordered that this case is dismissed without prejudice to the Plaintiff's
22 ability to commence a new action in which she either pays the appropriate filing fee in full
23 or submits a completed application to proceed *in forma pauperis*.

24 The Clerk is instructed to enter judgment accordingly.

25 DATED THIS 20th day of May 2015.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE